

REMARKS

Claims 1-12, 14, 16, and 18-26 were pending in the present application. Claims 12 and 14 have been amended herein, support for which can be found throughout the specification. Claims 1-11, 16, 18, 19, and 22-26 have been cancelled herein without prejudice to their presentation in another application. New claim 27 has been added herein. No new matter has been added. Upon entry of the present amendment, claims 12, 14, 20, 21, and 27 will be pending.

Applicants thank the Examiner for indicating that claim 20 is allowed.

Applicants respectfully request that the Examiner enter new claim 27 which recites the compounds recited in claim 12.

I. The Claimed Invention Is Novel

Claims 1-11, 14, 19, and 21 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication US 2004-0267028 (hereinafter, the “Smith reference”). Claim 26 is rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication US 2003-0013754 (hereinafter, the “Martins reference”). Although Applicants disagree with the rejections, solely to advance prosecution of the present application, the rejected claims have either been cancelled or amended. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §102(e) be withdrawn.

II. The Claimed Invention Is Supported by Ample Written Description

Claims 1-11, 14, 22, and 23 are rejected under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter (i.e., “prodrug”) that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Although Applicants disagree with the rejection, solely to advance prosecution of the present application, the rejected claims have either been cancelled or amended. In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph, as allegedly failing to provide sufficient written description be withdrawn.

III. The Claimed Invention Is Sufficiently Enabled

Claims 1-11, 14, 22, and 23 are rejected under 35 U.S.C. §112, first paragraph as allegedly failing to provide an enabling disclosure. The Office Action mistakenly asserts that it would require undue experimentation for one skilled in the art to practice the claimed invention with respect to prodrugs. Although Applicants disagree with the rejection, solely to advance prosecution of the present application, the rejected claims have either been cancelled or amended. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph be withdrawn.

Claim 12 is rejected under 35 U.S.C. §112, first paragraph as allegedly failing to provide an enabling disclosure. The Office Action mistakenly asserts that it would require undue experimentation for one skilled in the art to practice the claimed invention with respect to “constitutional isomers” (although, Applicants note that such phrase is not recited in the claim). As a preliminary matter, Applicants thank the Examiner for indicating that the claimed invention is enabled for “stereoisomers of a compound in claim 12” (see Office Action at page 6). Although Applicants disagree with the rejection, solely to advance prosecution of the present application, claim 12 has been amended to delete “optical isomers.” Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, first paragraph be withdrawn.

IV. The Claims Are Clear And Definite

Claims 1-11, 14, 22, and 23 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Office Action asserts that the term “prodrug” renders the claims indefinite. Although Applicants disagree with the rejection, solely to advance prosecution of the present application, the rejected claims have either been cancelled or amended. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 6, 10, and 23 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. The Office Action asserts that some of the variables do not have antecedent basis support in the claims. Solely to advance prosecution of the present

application, the rejected claims have been cancelled. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

V. Conclusion

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (610) 640-7859 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,

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Date: 27 August 2007

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